



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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FEB - 5 2016

Daniel G. Hinnenkamp, Treasurer
District 43 Democratic-NPL
103 S. 24th Street
Grand Forks, ND 58201

RE: MUR 6931

Dear Mr. Hinnenkamp:

On December 10, 2015, the Federal Election Commission reviewed the allegations in the complaint you filed on April 10, 2015, and found that on the basis of the information provided in the complaint, and information provided by the respondents, there is no reason to believe that John Pfeffer, Governor Jack Dalrymple, and Dalrymple for Governor (a.k.a. Friends of Jack Dalrymple) violated 52 U.S.C. § 30121(a) in connection with a contribution by John Pfeffer. Also on this date, the Commission dismissed the allegations that contributions made by Leo Ledohowski and accepted by Senator Lonnie Laffen, Laffen 4 Senate, Governor Jack Dalrymple and Dalrymple for Governor (a.k.a. Friends of Jack Dalrymple) violated 52 U.S.C. § 30121(a). In addition, the Commission dismissed the allegations that a contribution made by Dean Potter and accepted by ND Oil PAC violated 52 U.S.C. § 30121(a). Accordingly, the Commission closed the file in this matter on January 21, 2016.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analyses, which more fully explain the Commission's findings, are enclosed.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. *See* 52 U.S.C. § 30109(a)(8).

Sincerely,

Daniel A. Petalas
Acting General Counsel



BY: Jeff S. Jordan
Assistant General Counsel
Complaints Examination and
Legal Administration

Enclosures
Factual and Legal Analyses

1 **FEDERAL ELECTION COMMISSION**

2
3 **FACTUAL AND LEGAL ANALYSIS**

4 **RESPONDENTS:** Senator Lonnie Laffen (ND State Senate) MURs 6931 and 6933
5 Laffen 4 Senate
6

7 **I. INTRODUCTION**

8 This matter was generated by complaints filed with the Federal Election Commission (the
9 "Commission") by Daniel G. Hinnenkamp on April 10, 2015, and C.T. Marhula on April 15,
10 2015, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act")
11 by state Senator Lonnie Laffen and Laffen 4 Senate. For the reasons set forth below, the
12 Commission exercised its prosecutorial discretion and dismissed the allegation that the
13 Respondents violated 52 U.S.C. § 30121(a).

14 **II. FACTUAL AND LEGAL ANALYSIS**

15 **A. Factual Background**

16 Based on information obtained from the North Dakota Secretary of State's website, the
17 complaints allege violations of the Act's ban on contributions by foreign nationals. Both
18 complaints allege that Laffen 4 Senate, North Dakota State Senator Lonnie Laffen's state
19 campaign committee, accepted contributions from foreign nationals. They point to contributions
20 made to Senator Laffen's campaign by Leo Ledohowski, who disclosed a Canadian mailing
21 address, and according to one complainant, "is a successful Canadian business person." The
22 contributions at issue were a \$1,000 contribution made on September 12, 2010, and a \$1,945.42
23 contribution made on October 25, 2014.¹ The complaint in MUR 6931 further alleges that

¹ Both complaints identify the October 2014 contribution but the complaint in MUR 6931 adds the September 2010 contribution.

1 Ledohowski made a \$2,500 contribution on July 11, 2012, to Dalrymple for Governor, the
2 campaign committee for Governor Jack Dalrymple of North Dakota.

3 The complaint in MUR 6931 cites a press report stating that Senator Laffen claimed to
4 have checked with the North Dakota Secretary of State on the propriety of “accepting donations
5 from any country” and was told that it was permissible. In his responses, Senator Laffen
6 explains that he checked with the North Dakota Secretary of State regarding the contribution
7 from Ledohowski, who is a friend of his, and “was told that the contribution would be allowed –
8 that no state law prevented it.”² Laffen states that he was not aware that federal law applied.³
9 Furthermore, Laffen notes that both of Ledohowski’s contributions were refunded on April 20,
10 2015.⁴ Ledohowski acknowledges that he was contacted about making campaign contributions,
11 so he inquired whether it was permissible for him as a Canadian citizen to make such
12 contributions and was advised that the contributions were allowed. He has also confirmed that
13 the contributions were refunded.

14 **B. Legal Analysis**

15 Under the Act, it is unlawful for a foreign national, directly or indirectly, to make a
16 contribution or donation of money or other thing of value “in connection with a Federal, State, or
17 local election.”⁵ In addition, no person may solicit, accept, or receive a foreign national

² Laffen Resp. (Apr. 25, 2015) (MURs 6931 and 6933).

³ *Id.*

⁴ *Id.*

⁵ 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b).

1 contribution or donation.⁶ A “foreign national” is an individual who is not a citizen of the United
2 States or a national of the United States and who is not lawfully admitted for permanent
3 residence.⁷ If a committee treasurer, based on new evidence not available to the political
4 committee at the time of receipt and deposit, discovers that an illegal contribution, such as one
5 from a foreign national, was accepted, the treasurer shall refund the contribution to the
6 contributor within thirty days of the date on which the illegality is discovered.⁸

7 It appears that the contributions that Senator Laffen’s campaign accepted from
8 Ledohowski violated the prohibition on contributions by foreign nationals under the Act and
9 Commission regulations. Senator Laffen, however, indicates that in accepting the contributions
10 he relied on guidance provided by a state government office that was ultimately incorrect.
11 Moreover, his committee promptly refunded the impermissible contributions from Ledohowski,
12 totaling \$4,445.42 on April 20, 2015, shortly after being notified of the complaints in this matter.

13 Based on the available information, it appears that the violations may have been
14 inadvertent in nature. In light of the fact that the illegal contributions were refunded within the
15 thirty-day time period required by Commission regulations, further enforcement resources are
16 not warranted in this matter. Accordingly, the Commission has chosen to exercise its
17 prosecutorial discretion to dismiss the allegations that Senator Lonnie Laffen and Laffen 4
18 Senate violated 52 U.S.C. § 30121(a).⁹

⁶ 52 U.S.C. § 30121(a)(2). The Commission’s regulations employ a “knowingly” standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. *Id.* § 110.20(a)(4).

⁷ 52 U.S.C. § 30121(b)(2); 11 C.F.R. § 110.20(a)(3)(ii).

⁸ 11 C.F.R. § 103.3(b)(2).

⁹ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

1 **FEDERAL ELECTION COMMISSION**

2
3 **FACTUAL AND LEGAL ANALYSIS**

4 **RESPONDENTS:** Governor Jack Dalrymple MUR 6931
5 Dalrymple for Governor
6 (a.k.a. Friends of Jack Dalrymple)
7

8 **I. INTRODUCTION**

9 This matter was generated by a complaint filed with the Federal Election Commission
10 (the "Commission") by Daniel G. Hinnenkamp on April 10, 2015, alleging violations of the
11 Federal Election Campaign Act of 1971, as amended (the "Act") by Governor Jack Dalrymple
12 and Dalrymple for Governor. For the reasons set forth below, the Commission finds no reason to
13 believe that Governor Jack Dalrymple and Dalrymple for Governor violated 52 U.S.C.
14 § 30121(a) in connection with a contribution from John Pfeffer. Additionally, the Commission
15 exercised its prosecutorial discretion and dismissed the remaining allegation that the
16 Respondents violated 52 U.S.C. § 30121(a) in connection with a contribution from Leo
17 Ledohowski.

18 **II. FACTUAL AND LEGAL ANALYSIS**

19 **A. Factual Background**

20 Based on information obtained from the North Dakota Secretary of State's website, the
21 complaint alleges that Governor Jack Dalrymple of North Dakota and his campaign committee
22 accepted contributions from foreign nationals, in violation of the Act: specifically, a \$2,500
23 contribution on July 11, 2012, made by Leo Ledohowski, who disclosed a Canadian mailing
24 address, and a \$1,000 contribution from John Pfeffer on October 15, 2012, who had a London
25 mailing address.

1 Available information confirms that Ledohowski is a Canadian citizen but Governor
2 Dalrymple's response asks that no action be taken because his acceptance of Ledohowski's
3 contribution was "an inadvertent violation resulting from the campaign's reliance on state law."¹
4 His campaign refunded Ledohowski's contribution on April 22, 2015.

5 With regard to the alleged foreign contribution from Pfeffer, Dalrymple states that his
6 campaign believed that Pfeffer was a citizen of the United States. The response included a copy
7 of Pfeffer's original contribution check, which shows a Tennessee address.² Dalrymple states
8 that the London address listed on the committee's disclosure report was an updated address from
9 an address service.³ Pfeffer has also confirmed that he is a U.S. citizen and has provided a copy
10 of his U.S. passport indicating the same.

11 **B. Legal Analysis**

12 Under the Act, it is unlawful for a foreign national, directly or indirectly, to make a
13 contribution or donation of money or other thing of value "in connection with a Federal, State, or
14 local election."⁴ In addition, no person may solicit, accept, or receive a foreign national
15 contribution or donation.⁵ A "foreign national" is an individual who is not a citizen of the United
16 States or a national of the United States and who is not lawfully admitted for permanent

¹ Dalrymple Resp. (Apr. 22, 2015).

² *Id.*, Attach. I.

³ *Id.* at 1.

⁴ 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b).

⁵ 52 U.S.C. § 30121(a)(2). The Commission's regulations employ a "knowingly" standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. *Id.* § 110.20(a)(4).

1 residence.⁶ If a committee treasurer, based on new evidence not available to the political
2 committee at the time of receipt and deposit, discovers that an illegal contribution, such as one
3 from a foreign national, was accepted, the treasurer shall refund the contribution to the
4 contributor within thirty days of the date on which the illegality is discovered.⁷

5 It appears that the contribution that Governor Dalrymple's campaign accepted from
6 Ledohowski violated the prohibition on contributions by foreign nationals under the Act and
7 Commission regulations. Governor Dalrymple, however, indicates that in accepting the
8 contribution he relied on guidance provided by a state government office that was ultimately
9 incorrect. Moreover, his committee promptly refunded the impermissible contributions from
10 Ledohowski, totaling \$2,500, on April 22, 2015, shortly after being notified of the complaint in
11 this matter.

12 Based on the available information, it appears that the violation may have been
13 inadvertent in nature. In light of the fact that the illegal contribution was refunded within the
14 thirty-day time period required by Commission regulations, further enforcement resources are
15 not warranted in this matter. Accordingly, the Commission has chosen to exercise its
16 prosecutorial discretion to dismiss the allegations that Governor Jack Dalrymple, and Dalrymple
17 for Governor (a.k.a. Friends of Jack Dalrymple) violated 52 U.S.C. § 30121(a) in connection
18 with Ledohowski's contributions.⁸

19 Furthermore, in light of the available evidence that demonstrates that Pfeffer is a United
20 States citizen, his contribution to Governor Dalrymple's campaign committee did not violate the

⁶ 52 U.S.C. § 30121(b)(2); 11 C.F.R. § 110.20(a)(3)(ii).

⁷ 11 C.F.R. § 103.3(b)(2).

⁸ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

1 Act's foreign national contribution prohibition. Therefore, the Commission finds no reason to
2 believe that Governor Jack Dalrymple and Dalrymple for Governor (a.k.a. Friends of Jack
3 Dalrymple) violated 52 U.S.C. § 30121(a) in connection with John Pfeffer's contribution.

1 **FEDERAL ELECTION COMMISSION**

2
3 **FACTUAL AND LEGAL ANALYSIS**

4 **RESPONDENT:** Leo Ledohowski

MURs 6931 and 6933

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6
7 **I. INTRODUCTION**

8 This matter was generated by complaints filed with the Federal Election Commission (the
9 "Commission") by Daniel G. Hinnenkamp on April 10, 2015, and C.T. Marhula on April 15,
10 2015, alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act")
11 by Leo Ledohowski. For the reasons set forth below, the Commission exercised its prosecutorial
12 discretion and dismissed the allegation that the Respondent violated 52 U.S.C. § 30121(a).

13 **II. FACTUAL AND LEGAL ANALYSIS**

14 **A. Factual Background**

15 Based on information obtained from the North Dakota Secretary of State's website, the
16 complaints allege violations of the Act's ban on contributions by foreign nationals. They allege
17 that Leo Ledohowski, who disclosed a Canadian mailing address, and according to one
18 complainant, "is a successful Canadian business person," made contributions to state campaign
19 committees, in violation of the Act. The contributions at issue were a \$1,000 contribution made
20 on September 12, 2010, and a \$1,945.42 contribution made on October 25, 2014, both made to
21 Laffen 4 Senate, North Dakota State Senator Lonnie Laffen's state campaign committee, and a
22 \$2,500 contribution made on July 11, 2012, to Dalrymple for Governor, the campaign committee
23 for Governor Jack Dalrymple of North Dakota.

24 The complaint in MUR 6931 cites a press report stating that Senator Laffen claimed to
25 have checked with the North Dakota Secretary of State on the propriety of "accepting donations
26 from any country" and was told that it was permissible. According to available information,

1 Laffen's campaign refunded both of Ledohowski's contributions on April 20, 2015. Ledohowski
2 acknowledges that he was contacted about making campaign contributions, so he inquired
3 whether it was permissible for him as a Canadian citizen to make such contributions and was
4 advised that the contributions were allowed.¹ Available information also indicates that Governor
5 Dalrymple's campaign may have also relied on state guidance in accepting Ledohowski's
6 contribution. His campaign refunded Ledohowski's contribution on April 22, 2015.
7 Ledohowski's response confirms that all the contributions were refunded.²

8 **B. Legal Analysis**

9 Under the Act, it is unlawful for a foreign national, directly or indirectly, to make a
10 contribution or donation of money or other thing of value "in connection with a Federal, State, or
11 local election."³ In addition, no person may solicit, accept, or receive a foreign national
12 contribution or donation.⁴ A "foreign national" is an individual who is not a citizen of the United
13 States or a national of the United States and who is not lawfully admitted for permanent
14 residence.⁵ If a committee treasurer, based on new evidence not available to the political
15 committee at the time of receipt and deposit, discovers that an illegal contribution, such as one

¹ Ledohowski Resp. (Apr. 28, 2015).

² *Id.*

³ 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b).

⁴ 52 U.S.C. § 30121(a)(2). The Commission's regulations employ a "knowingly" standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. *Id.* § 110.20(a)(4).

⁵ 52 U.S.C. § 30121(b)(2); 11 C.F.R. § 110.20(a)(3)(ii).

1 from a foreign national, was accepted, the treasurer shall refund the contribution to the
2 contributor within thirty days of the date on which the illegality is discovered.⁶

3 It appears that the contributions made by Ledohowski violated the prohibition on
4 contributions by foreign nationals under the Act and Commission regulations. Senator Laffen
5 and Governor Dalrymple appeared to have relied on guidance provided by a state government
6 office that was ultimately incorrect. Ledohowski indicates that he received advice that the
7 contributions were permissible but did not specify from whom. Moreover, the committees
8 promptly refunded the impermissible contributions from Ledohowski, totaling \$5,445.42, in
9 April 2015, shortly after the Commission received the complaints in this matter.

10 Based on the available information, it appears that the violations may have been
11 inadvertent in nature. In light of the fact that the illegal contributions were refunded within the
12 thirty-day time period required by Commission regulations, further enforcement resources are
13 not warranted in this matter. Accordingly, the Commission has chosen to exercise its
14 prosecutorial discretion to dismiss the allegations that Leo Ledohowski violated 52 U.S.C.
15 § 30121(a).⁷

⁶ 11 C.F.R. § 103.3(b)(2).

⁷ See *Heckler v. Chaney*, 470 U.S. 821 (1985).

1 **FEDERAL ELECTION COMMISSION**

2
3 **FACTUAL AND LEGAL ANALYSIS**

4 **RESPONDENTS:** Dean Potter
5 ND Oil PAC
6

MUR 6931

7 **I. INTRODUCTION**

8 This matter was generated by a complaint filed with the Federal Election Commission
9 (the "Commission") by Daniel G. Hinnenkamp on April 10, 2015, alleging violations of the
10 Federal Election Campaign Act of 1971, as amended (the "Act") by Dean Potter and ND Oil
11 PAC. For the reasons set forth below, the Commission exercised its prosecutorial discretion and
12 dismissed the allegation that the Respondents violated 52 U.S.C. § 30121(a).

13 **II. FACTUAL AND LEGAL ANALYSIS**

14 **A. Factual Background**

15 Based on information obtained from the North Dakota Secretary of State's website, the
16 complaint alleges that Dean Potter made, and ND Oil PAC accepted, a contribution from a
17 foreign national, in violation of the Act: specifically, a \$500 contribution made on May 7, 2014,
18 from Dean Potter, an individual with a Canadian mailing address.

19 The ND Oil PAC and contributor Dean Potter submitted responses to the complaint. ND
20 Oil PAC states that it understood that because the committee was a state PAC, and based on
21 guidance provided by the North Dakota Secretary of State, "that the contribution was not in
22 violation" of the law.¹ Nevertheless, the PAC refunded the \$500 contribution it had received
23 from Potter and submitted proof of that refund in an attachment to its response.² Potter's

¹ ND Oil PAC Resp. (Apr. 24, 2015).

² ND Oil PAC Resp., Attach. (showing that the refund was sent on April 22, 2015).

1 response confirms that he is a Canadian citizen.³ He explains that the contribution came about in
2 connection with his attendance at a petroleum conference in North Dakota and that he did not
3 intend to violate any Federal laws or regulations.⁴ The contribution apparently was related to an
4 “evening social event” hosted by the ND Oil PAC during the 2014 Williston Basin Petroleum
5 Conference.⁵

6 **B. Legal Analysis**

7 Under the Act, it is unlawful for a foreign national, directly or indirectly, to make a
8 contribution or donation of money or other thing of value “in connection with a Federal, State, or
9 local election.”⁶ In addition, no person may solicit, accept, or receive a foreign national
10 contribution or donation.⁷ A “foreign national” is an individual who is not a citizen of the United
11 States or a national of the United States and who is not lawfully admitted for permanent
12 residence.⁸ If a committee treasurer, based on new evidence not available to the political
13 committee at the time of receipt and deposit, discovers that an illegal contribution, such as one
14 from a foreign national, was accepted, the treasurer shall refund the contribution to the
15 contributor within thirty days of the date on which the illegality is discovered.⁹

³ Potter Resp. at 1 (Apr. 29, 2015).

⁴ *Id.* at 1, 3-4. Potter also provided a copy of the check that ND Oil PAC sent to him refunding the contribution. *Id.*, Attach.

⁵ The letter accompanying the refund check also referenced the PAC’s “May 2014 social.” *Id.* at 3, Attach.

⁶ 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b).

⁷ 52 U.S.C. § 30121(a)(2). The Commission’s regulations employ a “knowingly” standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. *Id.* § 110.20(a)(4).

⁸ 52 U.S.C. § 30121(b)(2); 11 C.F.R. § 110.20(a)(3)(ii).

⁹ 11 C.F.R. § 103.3(b)(2).

1 It appears that the contribution that ND Oil PAC accepted from Potter violated the
2 prohibition on contributions by foreign nationals under the Act and Commission regulations.
3 However, ND Oil PAC claims to have relied on guidance from the North Dakota Secretary of
4 State when it accepted the contribution and it promptly refunded Potter's \$500 contribution
5 shortly after being notified of the complaint in this matter.

6 Based on the available information, it appears that the violation may have been
7 inadvertent in nature. In light of the fact that the illegal contribution was refunded within the
8 thirty-day time period required by Commission regulations, further enforcement resources are
9 not warranted in this matter. Accordingly, the Commission has chosen to exercise its
10 prosecutorial discretion to dismiss the allegations that Dean Potter and ND Oil PAC violated
11 52 U.S.C. § 30121(a) in connection with Potter's contribution.¹⁰

¹⁰ *See Heckler v. Chaney*, 470 U.S. 821 (1985).

1 **FEDERAL ELECTION COMMISSION**

2
3 **FACTUAL AND LEGAL ANALYSIS**

4 **RESPONDENT:** John Pfeffer

MUR 6931

5 **I. INTRODUCTION**

6 This matter was generated by a complaint filed with the Federal Election Commission
7 (the "Commission") by Daniel G. Hinnenkamp on April 10, 2015, alleging violations of the
8 Federal Election Campaign Act of 1971, as amended (the "Act") by John Pfeffer. For the
9 reasons set forth below, the Commission finds no reason to believe that John Pfeffer violated
10 52 U.S.C. § 30121(a).

11 **II. FACTUAL AND LEGAL ANALYSIS**

12 **A. Factual Background**

13 Based on information obtained from the North Dakota Secretary of State's website, the
14 complaint alleges violations of the Act's ban on contributions by foreign nationals. The
15 complaint alleges that John Pfeffer, who had a London mailing address, made a prohibited
16 foreign national contribution to Governor Jack Dalrymple of North Dakota when he contributed
17 \$1,000 to the Governor's campaign on October 15, 2012. However, a copy of Pfeffer's original
18 contribution check shows a Tennessee address. Pfeffer's response to the complaint states that he
19 is a U.S. citizen and provides a copy of his U.S. passport indicating the same.¹

20 **B. Legal Analysis**

21 Under the Act, it is unlawful for a foreign national, directly or indirectly, to make a
22 contribution or donation of money or other thing of value "in connection with a Federal, State, or

¹ Pfeffer Resp. (April 24, 2015).

1 local election.”² In addition, no person may solicit, accept, or receive a foreign national
2 contribution or donation.³ A “foreign national” is an individual who is not a citizen of the United
3 States or a national of the United States and who is not lawfully admitted for permanent
4 residence.⁴ If a committee treasurer, based on new evidence not available to the political
5 committee at the time of receipt and deposit, discovers that an illegal contribution, such as one
6 from a foreign national, was accepted, the treasurer shall refund the contribution to the
7 contributor within thirty days of the date on which the illegality is discovered.⁵

8 In light of the evidence Pfeffer provided to demonstrate that he is a United States citizen,
9 his contribution to Governor Dalrymple’s campaign committee did not violate the Act’s foreign
10 national contribution prohibition. Therefore, the Commission finds no reason to believe that
11 John Pfeffer violated 52 U.S.C. § 30121(a).

² 52 U.S.C. § 30121(a)(1)(A); 11 C.F.R. § 110.20(b).

³ 52 U.S.C. § 30121(a)(2). The Commission’s regulations employ a “knowingly” standard here. 11 C.F.R. § 110.20(g). A person knowingly accepts a prohibited foreign national contribution or donation if that person has actual knowledge that funds originated from a foreign national, is aware of facts that would lead a reasonable person to conclude that there is a substantial probability that the funds originated from a foreign national, or is aware of facts that would lead a reasonable person to inquire whether the funds originated from a foreign national but failed to conduct a reasonable inquiry. *Id.* § 110.20(a)(4).

⁴ 52 U.S.C. § 30121(b)(2); 11 C.F.R. § 110.20(a)(3)(ii).

⁵ 11 C.F.R. § 103.3(b)(2).